



DT02 Rec'd PCT/PTO 0 4 JUN 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

ELI LILLY AND COMPANY

By Linda M. Dunbar

Date June 1, 2004

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	John M. Beals, et al.	)	
Serial No.	:	09/856,451	)	Confirm. No.: 8155
Filed	:	May 22, 2001	)	
For	:	Erythropoietic Compounds	)	
Docket No.	:	X-12553	)	

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**  
**UNDER 35 U.S.C. 371**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a Notification of Defective Response dated May 6, 2004, noting the damaged and/or unreadable diskette containing the nucleotide and/or amino acid sequence requirements in the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice, 2) an Amendment Directing Entry of Sequence Listing Into The Specification, 3) a computer readable form of the Sequence Listing, 4) a paper copy of the Sequence Listing, and 5) a statement that the contents of the paper and the computer readable form of the Sequence Listing are the same and include no new matter.

The Commissioner is hereby authorized to charge any additional fees that may be required by this Response or credit any amount due to Deposit Account No. 05-0840 for the surcharge required by §1.16(e). An original and two copies of this paper are enclosed.

Respectfully submitted,



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Attorney for Applicants  
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Phone: 317-651-4215

Eli Lilly and Company  
Patent Division/CDG  
P.O. Box 6288  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO
09/856,451	John Michael BEALS	X-12553

INTERNATIONAL APPLICATION NO
PCT/US99/27801

I.A. FILING DATE	PRIORITY DATE
11/23/1999	11/30/1998

Eli Lilly and Company  
 Lilly Corporate Center  
 Indianapolis, IN 46285

*MJS*

*Due - 6-6-04*

CONFIRMATION NO. 8155  
 371 FORMALITIES LETTER



Date Mailed: 05/06/2004

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 05/22/2001
- Copy of the International Search Report filed on 05/22/2001
- Copy of IPE Report filed on 05/22/2001
- Preliminary Amendments filed on 05/22/2001
- Biochemical Sequence Diskette filed on 06/25/2002
- Oath or Declaration filed on 05/22/2001
- Biochemical Sequence Listing filed on 06/25/2002
- Copy of references cited in ISR filed on 05/22/2001
- U.S. Basic National Fees filed on 05/22/2001
- Assignment filed on 05/22/2001

Applicant's response filed 06/25/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/22/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing" of the

**RECEIVED**  
 MAY 12 2004  
 ELI LILLY AND CO.  
 PATENT DIVISION

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

**PART 1 - ATTORNEY/APPLICANT COPY**

U S APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO	ATTY DOCKET NO.
09/856,451	PCT/US99/27801	X-12553